

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7294 OF 2021

Kakdya L Hadal And Ors

...Petitioners

V/s.

State Of Maharashtra and Ors.

...Respondents

Ms. Seema Chopda for the Petitioners.

Ms. Rupali Shinde, AGP for the Respondent Nos. 1 to 3-State

**CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.**

DATED : 4 APRIL, 2024

P.C.:

1. Heard learned Counsel for the parties.
2. The Petitioners are seeking the relief of directions to the State to take the Petitioners as regular temporary employees in terms of Kalelkar Award.
3. If the pleadings of the Petitioners in this Petition are seen, the grievances are that the Petitioners are kept on daily wages with the Respondent-Department for years together without making them permanent or granting them benefits of permanency. These, therefore, are the prayers which are more appropriately adjudicated by the Industrial Adjudicator.

4. We, therefore, had put to the learned Counsel for the Petitioners as to why the Petitioners cannot approach the Industrial Adjudicator as the Industrial Adjudicator has wider power where even the Industrial Adjudicator can create contracts.

5. Learned Counsel for the Petitioners had taken time to consider and now states that Petitioners will approach the concerned Industrial Adjudicator, however, the issue of delay would arise. If the Petitioners approach the Industrial Adjudicator within a period of 3 months from today, then the concerned Court/ Tribunal will keep in mind the pendency of the Writ Petition and earlier litigation.

6. The Interim Order which has been passed in this Petition regarding the payment of wages, we continue the interim order for a period of three months from today. The further continuation or extension, if any, would be considered by the concerned Court/Tribunal on its own merits. All contentions of the Petitioners are kept open. The concerned Court/Tribunal, if the application is filed within a period of 3 months then, will consider the same on priority basis.

7. The Writ Petition is accordingly disposed of.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)